

AZERBAIJAN

TIER 2

KEY FINDINGS

The government of Azerbaijan maintained its largely uncompromising stance on religious freedom in 2017. It tightly controls religious activities through a religion law and various articles of the administrative and criminal codes. Penalties range from fines to imprisonment. Police harassment of Protestants, Jehovah's Witnesses, and some Muslim groups in the form of raids and fines continued unchecked during the year. Protestants, Jehovah's Witnesses, and followers of Turkish theologian Said Nursi were punished for violating various restrictions, including those on religious literature and gathering for prayer. Muslim religious leaders who did not conform to state-dictated rules of observance were warned, fined, or detained, and, in one case, a mosque was demolished. Azerbaijani authorities often cite the threat of subversion from neighboring Iran as a justification for arresting Shi'a clerics and activists. In such cases, it is difficult to know the true extent of Iranian infiltration in Azerbaijan and to what extent certain individuals and groups are targeted by the government for their political activities as opposed to

their religious beliefs. In December 2017, in the continuation of a series of trials that began in 2016, 12 members of the Muslim Unity Movement (MUM) were sentenced to prison terms of between 12 and 17 years on numerous charges, including terrorism. Whether MUM is a religious entity or a political movement or both is unclear. In January 2017, 18 activists from the same group received prison terms of between 10 and 20 years. Two separate lists maintained by nongovernmental organizations (NGOs) contend that roughly two-thirds of the approximately 160 Azerbaijani prisoners of conscience are imprisoned on religious grounds. In 2017, several prisoners reported being tortured by their jailers. Based on these concerns, in 2018 USCIRF again places Azerbaijan on its Tier 2, for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Azerbaijani government to reform its religion law to bring it into conformity with recommendations by the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe (OSCE) in 2012;
- Work with the highest levels of the Azerbaijani government to secure the release of prisoners of conscience and ensure detainee access to family, human rights monitors, adequate medical care, legal counsel, and religious accommodations;
- Continue the maintenance of contact, including at the ambassadorial level, between the U.S. Embassy in Azerbaijan and human rights and religious freedom activists;
- Urge the Azerbaijani government to agree to visits by the UN Special Rapporteurs on freedom of religion or belief, on independence of the judiciary, and on torture; set specific visit dates; and provide the necessary conditions for such visits;
- Encourage the Azerbaijani government to arrange and enable visits by the three OSCE Personal Representatives on Tolerance.
- Press the government of Azerbaijan to allow religious groups to operate freely, including amending the religion law's strict registration requirements;
- Specify freedom of religion or belief as a grants category and area of activity for the U.S. Agency for International Development (USAID) and U.S. Embassy in Azerbaijan, and encourage the National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Ensure continued U.S. funding for Radio Azadliq, the Azerbaijani Service of Radio Free Europe/Radio Liberty (RFE/RL), and the Azeri Service of the Voice of America, so that uncensored information about events inside Azerbaijan, including those related to religious freedom, continues to be disseminated.

COUNTRY FACTS

FULL NAME

Republic of Azerbaijan

GOVERNMENT

Presidential Republic

POPULATION

10,000,000

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Shi'a Islam, Sunni Islam, Christianity, Judaism

RELIGIOUS DEMOGRAPHY*

96% Muslim (65% Shi'a, 35% Sunni)

4% Other (includes Orthodox and Protestant Christians, Catholics, Jews, Baha'is, and others)

*U.S. Department of State

BACKGROUND

Unlike other former Soviet states with Muslim-majority populations, Azerbaijan has a Shi'a Muslim majority. Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews officially are viewed as the country's "traditional" religious groups. Historically, the country has been tolerant of religious pluralism. The country has been ruled by the Aliyev family since 1993, first by Heydar Aliyev and then by his son Ilham, who has been president since 2003.

Azerbaijan's 2009 religion law tightly controls religious activity: it sets complex registration procedures, limits religious activity to a group's registered address, restricts the content, production, import, export, distribution, and sale of religious texts, and requires state approval of religious education for clergy. Alleged offenders face major fines. In 2014, the European Court of Human Rights (ECtHR) noted that the law gives officials "unlimited discretionary power" to define and prosecute "illegal" religious activity. Under 2015 religion law amendments, religious groups must file official reports documenting their activities and limit religious expression such as the display of banners or slogans to places of worship. Azerbaijani citizens with foreign education and non-Azerbaijani citizens are also banned from leading Islamic rituals, subject to prison terms or fines. Such regulations are intended to prevent Iranian-instructed imams from operating in Azerbaijan.

Exemptions are made for Christian and Jewish prayer leaders trained abroad.

Despite Azerbaijan's pledge to the Council of Europe when it joined that organization in 2001 to enact an alternative military service law, there are criminal penalties for refusal of military service. Other legal amendments further restrict religious freedom: officials have wide powers to act against "extremist" religious activity, citizenship can be removed from members of allegedly extremist religious groups, police can regulate religious materials, and parents who do not send their children to state schools are subject to administrative fines.

In January 2017, 18 activists from the MUM received prison terms of between 10 and 20 years. In December 2017, another 12 defendants associated with the MUM were sentenced to long prison terms; they had been arrested in November 2015 in the town of Nardaran, whose population is apparently oriented toward the Iranian government. Two policemen and five civilians died during the original arrests.

RELIGIOUS FREEDOM CONDITIONS 2017

Government Control through Registration

Registration with the government is mandatory for religious groups to conduct activities. Religious groups that are denied registration or refuse to register on theological grounds are deemed "illegal" and may face raids and other penalties. The State Committee for

Work with Religious Organizations (SCWRO), which oversees registration, has refused to process registration applications. By the end of the reporting period, many communities that applied in 2009 were still waiting for the SCWRO to process these applications. Religious communities unable to gain legal status include all independent mosques outside the state-backed Caucasian Muslim Board (CMB), as well as some of the CMB's own mosques. Almost all Protestant denominations (including Baptists, Seventh-day Adventists, and Pentecostals) have been denied full registration and therefore encounter certain limitations on their activities. Jehovah's Witnesses also lack legal status. Some NGOs that campaign for religious freedom or discuss religion, such as the International Religious Liberty Association and the Center for Defense of Freedom of Conscience and Religion, have been denied registration. The branch of the SCWRO for Baku reportedly announced in December 2017 that seven registered religious communities had been abolished for failing to comply with the laws, although no further information was provided.

Repression of Independent Muslims

Muslims face additional legal restrictions that do not apply to other faiths. All mosques must belong to the CMB, which dates to the Soviet era. Mosques must be founded by Azerbaijani citizens and report their activities to the CMB, which also appoints all imams. Police enforce an official 2008 ban on praying outside of mosques. In July 2017, Sardar Babayev—an Iranian-educated Shi'a imam in the town of Masalli—was sentenced to three years in prison for performing religious rites.

The Sunni Muslim minorities of northern Azerbaijan, many of whom are not ethnic Azeris, and Shi'a Muslims who do not conform to the state-dictated rules of Shi'a observance face added scrutiny from the authorities. The government suspects the Sunni Muslim minorities of having ties to extremist groups in the North Caucasus. In late September 2017, the Baku police warned against unlicensed observance of the Shi'a Muslim commemoration of Ashura. In mid-October 2017, security forces and

members of the SCWRO raided two mosques in Baku and fined their leaders for unspecified "illegal religious rituals." In May 2017, an imam in the Gyoichai region was fired and fined as punishment for refusing to follow the state's official Muslim calendar, which more closely adheres to Shi'a ritual dates. In April 2017, a Sunni Muslim man who was reading the works of Turkish theologian Said Nursi was fined by authorities. In March 2017, 21 Sunni Muslims detained during a religious gathering in the town of Quba were issued fines by a court. A Shi'a imam who had been expelled, along with his congregation, from a mosque in Baku's Old City in 2004 for failing to recognize the authority of the CMB received a warning after he returned to the mosque during Ramadan in 2017.

Religious Prisoners

Two NGOs—the Center for the Protection of Political Prisoners in Azerbaijan and the Unified List of Political Prisoners in Azerbaijan—maintain lists of political prisoners; the lists for the second half of 2017 indicate that between 90 and 100 persons were imprisoned, allegedly for their religious beliefs.

Closure of Places of Worship

Since 2009, Azerbaijan has closed or destroyed numerous houses of worship, mainly Sunni mosques. In the wake of the November 2015 raid on Nardaran, four Shi'a mosques there were forcibly closed, and in 2016 authorities reportedly had forced four Sunni mosques to close or restrict activities

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under various pretexts. In April 2017, President Ilham Aliyev personally intervened after crowds of protesters blocked the demolition of the Gadzhi Dzhavad mosque in Baku. Although Aliyev promised a commission would look into the matter and that a new mosque would be built before demolition could proceed, the Gadzhi Dzhavad mosque was demolished under cover of darkness in July 2017.

Status of Religious Minorities

Jewish groups have long lived in Azerbaijan and have rarely faced anti-Semitism. The Azerbaijani government publicly stresses the absence of anti-Semitism and its

good relations with Israel. Baku also has a small Catholic community that has received some Azerbaijani state funding to construct a church. Two registered Georgian Orthodox communities in the Gakh region cannot hold religious services. The Azerbaijani government has neither returned any confiscated religious facilities, such as the Armenian Apostolic, Great Grace, and Lutheran churches in

Baku, nor provided compensation for properties seized.

In January 2016, two female Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, were released after spending almost a year in prison for proselytism. They were acquitted of all charges in February 2017.

Over two dozen Jehovah's Witnesses were detained in 2017 for gathering for prayer in private homes. In June 2017, two apartments in Baku where Witnesses had gathered for prayer were raided by police, the participants detained, and one homeowner told to expect a fine. In January 2017, police and the SCWRO raided a Jehovah's Witness prayer meeting in the town of Barda. One female Witness was threatened with sexual assault and the homeowner was eventually fined.

In northern Azerbaijan in 2017, Hamid Shabanov and Mehman Agamammadov—two pastors from a Baptist congregation near the border with Georgia—continued to appeal fines levied against them for conducting worship services in November 2016. The Azerbaijani government has refused to register their religious community since 1994, apparently because of its sensitive location in a village made up of ethnic Georgian Sunni Muslims.

Government Control of Religious Materials

Official enforcement of restrictions on religious literature continued in 2017. Protestants, Jehovah's Witnesses, and followers of Turkish theologian Said Nursi were the particular targets of raids, confiscations, fines, detentions, and deportations for violating such restrictions. In July 2017, the independent Azerbaijani news agency, Turan, reported that the Interior Ministry had fined 10 people during countrywide raids against distributors of unspecified illegal religious literature. According

to the Ministry, in the first half of 2017, 138 persons were detained for distributing religious "propaganda." Among the items seized were 1066 pieces of literature,

102 CDs and DVDs, 94 newspapers, and 16 audiotapes. The government maintains that much of this "propaganda" includes incitements to violence.

In two episodes in 2017 that demonstrated

the importance of bringing international attention to these violations of religious freedom, two female Jehovah's Witnesses received compensation for their yearlong imprisonment on charges of distributing illegal literature, while Azerbaijan's only Christian bookstore, owned by an American citizen, finally received a license to operate after eight years of petitioning.

Situation in the Nakhichevan Exclave

The Nakhichevan Autonomous Republic—an Azerbaijani exclave that borders Iran, Armenia, and Turkey—has a population of 410,000. This exclave faces even more severe religious freedom restrictions than the rest of Azerbaijan. The Baha'i, Adventist, and Hare Krishna faiths are banned. Local Sunni Muslims are denied mosques. Up to 50 Shi'a mosques, especially those officially viewed as under strong Iranian influence, reportedly were closed in recent years.

U.S. POLICY

The United States would like to see Azerbaijan evolve into a pro-Western democracy with an open market economy. Other goals include: promoting regional stability—primarily resolution of the Nagorno-Karabakh conflict; enhancing energy security; and fostering economic and political reforms. U.S. companies cooperate in offshore oil development with Azerbaijan. Azerbaijan supports the North Atlantic Treaty Organization (NATO) operations in Afghanistan by participating in the Northern Distribution Network and counters transnational threats, especially from Iran. U.S. assistance helps build capacity for maritime counterterrorism operations, especially in its Caspian Sea area, and provides military security training courses. U.S. civil society assistance in

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Azerbaijan focuses on small grants for civil society and on civic dialogue.

In 2017, the State Department and the U.S. Mission to the OSCE made several public statements critical of human rights conditions in Azerbaijan, but they did not mention religious repression. The U.S. Embassy in Azerbaijan regularly meets with Azerbaijani government authorities to press them regarding registration requirements and literature restrictions for religious minorities. Embassy officials also regularly meet with representatives of Muslim, Christian, and Jewish groups to monitor the government's treatment of their religious observance. Ambassador Robert F. Cekuta hosted an iftar dinner during Ramadan in June 2017 in which he called for the continuation of Azerbaijan's tradition of religious tolerance.